

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CENTRAL UTA OF MONSEY, CONGREGATION YETEV LEV  
OF MONSEY, CHESKEL AND HENNY WERZBERGER,  
individually and on behalf of their minor children, M.W., G.W., and  
C.W., MORDECHI and RACHEL EGER, individually and on  
behalf of their minor children, B.E. and G.E., ALEXANDER and  
SARAH SICHERMAN, individually and on behalf of their minor child,  
R.S., CHAIM and CHAYA WERCBERGER, individually and on  
behalf of their minor child, R.W., RUBEN and BAILA  
WERCBERGER, individually and on behalf of their minor child,  
B.W., JOEL and RIVKY GROSS, individually and on behalf of  
their minor children, M.G. and W.G., JOEL and ESTY  
WERZBERGER, individually and on behalf of their minor child,  
T.W., HERSHEL and MALKA LANDAU, individually and on behalf  
of their minor child, R.L., YITZCHOK LEBOVITS, YOSEF  
GRUBER, GITTY KASIRER, YITZHOK SCHIFF, ARON  
GLAUBER, and RIFKI GLAUBER,

Docket No.:  
18-CV-11103 (VB)

**NOTICE OF MOTION**

Plaintiffs,

-against-

VILLAGE OF AIRMONT, NEW YORK; PHILIP GIGANTE,  
individually and as Mayor of the Village of Airmont; SEAN  
MACK, individually and as Village Attorney; LISA-ANN  
DIMARSICO-SMITH, individually and as Village Clerk and  
Treasurer of the Village of Airmont; VILLAGE OF AIRMONT  
BOARD OF TRUSTEES; PAUL MARCHESANI, ANTHONY  
VALVO; PETER BLUNNIE, KEVIN WARBRICK, individually  
And as members of the Village of Airmont Board of Trustees;  
VILLAGE OF AIRMONT ZONING BOARD OF APPEALS;  
MARTIN KIVELL, ARTHUR KATZ, CHARLES PICARELLI,  
LAURIE DIFRANCESCO, SCOTT MEIER, and LINDA  
CARBONE, individually and as members of the Village of Airmont  
Zoning Board of Appeals; VILLAGE OF AIRMONT PLANNING  
BOARD; JOHN CORNELIUS, DOUGLAS WHIPPLE,  
ANTHONY SANTUCCI, WILLIAM PHILIP, RUSSELL HOCK,  
PAVLE LECEI, KEN BREZNER, individually and as members  
of the Village of Airmont Planning Board; BUILDING  
DEPARTMENT OF THE VILLAGE OF AIRMONT; LOUIS  
ZUMMO; individually and as Building Inspector for the Village of  
Airmont; MARINO FONTANA, individually and as Code Enforcer  
Of the Village of Airmont; SUFFERN CENTRAL SCHOOL DISTRICT,  
and DOUGLAS S. ADAMS, individually and as Superintendent of  
Suffern Central School District,

Defendants.

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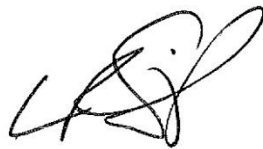
**PLEASE TAKE NOTICE**, that upon the accompanying Declaration of Lewis R. Silverman sworn to on the 26th day of April 2019 and the accompanying Memorandum of Law in Support, the defendants, by and through their attorneys, SILVERMAN & ASSOCIATES, will move this Honorable Court on a date and time to be determined, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the plaintiffs' Complaint with prejudice for failure to state a claim and, alternatively, if any of the plaintiff's causes of action are not dismissed, granting a period of thirty days following entry of the Court's Order in which to file an Answer to the plaintiffs' Complaint, and for such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE**, that the plaintiff's opposition, if any, is to be served within fourteen (14) days with three days added for mailing. Thereafter the defendants' reply papers are to be served within seven (7) days with three days added for mailing.

Dated: White Plains, New York  
April 26, 2019

Respectfully submitted,

**SILVERMAN & ASSOCIATES**

A handwritten signature in black ink, appearing to be 'L.R. Silverman', written over a horizontal line.

By: \_\_\_\_\_  
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